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MAERSK LINE, LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAMUEL GARRETT,

Plaintiff,

v.

U.S. SHIP MANAGEMENT, INC.,
SEALAND SERVICES, INC., MAERSK
LINE LIMITED and DOES 1 – 10, *in*
personam, and M/V SEA-LAND
METEOR their engines, tackle, apparel,
furniture, etc., *in rem*,

Defendants.

Case No.: C 07 3318 EMC

**MAERSK LINE, LIMITED'S
ANSWER TO PLAINTIFF
SAMUEL GARRETT'S FIRST
AMENDED COMPLAINT FOR
PERSONAL INJURIES**

Defendant Maersk Line, Limited ["Defendant"], by and through its attorneys, hereby answers Plaintiff Samuel Garrett's First Amended Complaint for Personal Injuries: Jones Act, Unseaworthiness and Maintenance and Cure ["Complaint"] as follows:

INTRODUCTORY ALLEGATIONS

1. Answering Paragraph 1 of the Complaint, the Defendant admits the allegations contained in that paragraph.

2. Answering Paragraph 2 of the Complaint, to the extent Plaintiff predicates this Court's jurisdiction on the Jones Act, 46 U.S.C. § 688, Article III, Section 2 of the United States Constitution, and 28 U.S.C. section and 1333, this Defendant lacks sufficient information and belief to respond to such allegations, and on that basis denies the same.

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1 This Defendant further answers that to the extent that Plaintiff predicates this Court's
 2 jurisdiction pursuant to statutes providing jurisdiction based on diversity, maritime, and
 3 supplemental bases, Defendant lacks sufficient information and belief to respond to such
 4 allegations, and on that basis denies the same.

5 3. Answering Paragraph 3 of the Complaint, this Defendant lacks sufficient
 6 information and belief to respond to the allegations that the plaintiff is a resident of San
 7 Francisco, California and on that basis denies the same.

8 4. Answering Paragraph 4 of the Complaint, this Defendant admits that it is a
 9 corporation duly organized and existing and at relevant times herein doing business in the
 10 Northern District of California. This Defendant lacks sufficient information and belief to
 11 respond to the remaining allegations contained in Paragraph 4 of the Complaint, and on that
 12 basis denies the same.

13 5. Answering Paragraph 5 of the Complaint, this Defendant admits that it has
 14 contacts within the State of California and that venue is proper in the Northern District of
 15 California. As to the remaining allegations contained in Paragraph 5 of the Complaint, this
 16 Defendant lacks sufficient information and belief to respond to those allegations, and on that
 17 basis denies the same.

18 6. Answering Paragraph 6 of the Complaint, this Defendant lacks sufficient
 19 information and belief to respond to the allegations contained in that paragraph and on that
 20 basis denies the same.

21 7. Answering Paragraph 7 of the Complaint, Paragraph 7 contains no charging
 22 allegations against this Defendant. To the extent that Paragraph 7 of the Complaint can be
 23 construed as containing charging allegations against this Defendant, this Defendant denies
 24 those allegations.

25 8. Answering Paragraph 8 of the Complaint, Defendant denies the allegations
 26 contained in that paragraph.

27 ///

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FIRST CLAIM FOR RELIEF**(Jones Act Negligence As to Maersk Only)**

9. Answering Paragraph 9 of the Complaint, Paragraph 9 of the Complaint is an incorporation paragraph and therefore requires no response from this Defendant. To the extent that Paragraph 9 of the Complaint can be construed as containing charging allegations against this Defendant, this Defendant denies those allegations.

10. Answering Paragraph 10 of the Complaint, defendant Maersk Line, Ltd., admits that it maintained, operated and controlled the *M/V Sea-Land Explorer* and the *M/V Sea-Land Meteor* on the dates of the alleged incidents. As to the remaining allegations contained in Paragraph 10 of the Complaint, this Defendant lacks sufficient information and belief to respond to those allegations and on that basis denies the same.

11. Answering Paragraph 11 of the Complaint, this Defendant admits that the plaintiff was working aboard the *M/V Sea-Land Explorer* on or about June 28 or 29, 2004.

12. Answering Paragraph 12 of the Complaint, this Defendant denies the allegations contained in that paragraph.

13. Answering Paragraph 13 of the Complaint, this Defendant admits that the plaintiff was working aboard the *M/V Sea-Land Meteor* on or about February 23, 2005.

14. Answering Paragraph 14 of the Complaint, this Defendant denies the allegations contained in that paragraph.

15. Answering Paragraph 15 of the Complaint, this Defendant denies the allegations contained in that paragraph.

16. Answering Paragraph 16 of the Complaint, this Defendant denies the allegations contained in that paragraph.

17. Answering Paragraph 17 of the Complaint, this Defendant denies the allegations contained in that paragraph.

18. Answering Paragraph 18 of the Complaint, this Defendant denies the allegations contained in that paragraph.

19. Answering Paragraph 19 of the Complaint, this Defendant denies the

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1 allegations contained in that paragraph.

2 **SECOND CLAIM FOR RELIEF**

3 **(Unseaworthiness as to Maersk, the *M/V Sea-Land Explorer***

4 **and the *M/V Sea-Land Meteor***

5 20. Answering Paragraph 20 of the Complaint, Paragraph 20 of the Complaint is
6 an incorporation paragraph and therefore requires no response from Defendant. To the
7 extent that Paragraph 20 of the Complaint can be construed as containing charging
8 allegations against this Defendant, this Defendant denies those allegations.

9 21. Answering Paragraph 21 of the Complaint, this Defendant lacks sufficient
10 information and belief to respond to the allegations contained in that paragraph and on that
11 basis denies the same.

12 22. Answering Paragraph 22 of the Complaint, this Defendant lacks sufficient
13 information and belief to respond to the allegations contained in that paragraph and on that
14 basis denies the same.

15 23. Answering Paragraph 23 of the Complaint, this Defendant denies the
16 allegations contained in that paragraph.

17 24. Answering Paragraph 24 of the Complaint, this Defendant denies the
18 allegations contained in that paragraph.

19 **THIRD CLAIM FOR RELIEF**

20 **(Maintenance and Cure as to Maersk, *M/V Sea-Land Explorer***

21 **and the *M/V Sea-Land Meteor***

22 25. Answering Paragraph 25 of the Complaint, Paragraph 25 of the Complaint is
23 an incorporation paragraph and therefore requires no response from Defendant. To the
24 extent that Paragraph 25 of the Complaint can be construed as containing charging
25 allegations against this Defendant, this Defendant denies those allegations.

26 26. Answering Paragraph 26 of the Complaint, this Defendant denies the
27 allegations contained in that paragraph.

28 27. Answering Paragraph 27 of the Complaint, this Defendant admits that it

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provided the plaintiff with maintenance payments. As to the remaining allegations contained in Paragraph 27 of the Complaint, this Defendant denies those allegations.

Dated: August 17, 2007

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HANSEN & POULOS, LLP
Attorneys for Defendant,
MAERSK LINE, LIMITED

By: /S/
Marc T. Cefalu

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